

REMARKS

The present application includes claims 22-54, all of which have been rejected. By this Amendment, claims 22, 28, 29, 36, 43, 47, and 51 have been amended as set forth above. The Applicants respectfully submit that no new matter has been added and that the claims define patentable subject matter, at least for the reasons previously discussed during prosecution and for the following:

Claims 22-24, 28-32, 36-39, and 43-50 stand rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 5,570,367 (“Ayanoglu”). Claims 25-27, 33-35, 40-41, and 51 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ayanoglu in view of United States Patent No. 5,128,959 (“Bruckert”). Claims 27, 35, 42, and 51-54 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ayanoglu in view of United States Patent No. 5,838,730 (“Cripps”) and United States Patent No. 5,742,592 (“Scholefield”). Claims 27, 35, 42, and 51-54 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ayanoglu in view of United States Patent No. 5,483,676 (“Mahany”). Claims 25, 33, 40, and 47 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ayanoglu in view of Cripps. The Applicants respectfully traverse these rejections at least for the reasons set forth previously during prosecution. However, in an effort to advance the present application towards allowance, the Applicants have amended claims 22, 28, 29, 36, 43, 47, and 51.

Initially, the Office Action states that the “applicant basically argues limitations that are not in the claim and the specification is not the measure of the invention.” *See* August 19, 2005 Office Action at page 2. The Applicants respectfully disagree. For example, in the previous response, the Applicants argued that Ayanoglu does not teach or suggest “packetization of digital

voice data,” or “providing digital voice packets,” which are clearly-recited limitations in the claims of the present application.

The Applicants now turn to the rejections of claims 22-24, 28-32, 36-39, and 43-50 as being anticipated by Ayanoglu. With regard to the anticipation rejections, MPEP 2131 states, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 2 USPQ2d 1051, 1053 (Fed.Cir. 1987). MPEP 2131 also states, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Applicants respectfully submit that the Ayanoglu reference does not teach, suggest, or disclose, for example, (1) “wherein the digital voice data packets comprise destination information used for routing the digital voice data packets,” as recited, for example, in claims 22 and 28; (2) “wherein the digital voice data packets comprise destination information used for routing the digital voice data packets through the communication network,” as recited, for example, in claim 29; (3) “wherein the digital voice data is packetized according to a packet protocol comprising destination information used for routing the digital voice data packetized according to the packet protocol through the communication network,” as recited, for example, in claim 36, or (4) “wherein the digital voice packets comprise destination information used for routing the digital voice packets through the network,” as recited, for example, in claims 43, 47, and 51. While Ayanoglu teaches a wireless communication system arranged to provide data communication services between at least one wireless end-user device and at least one base station (See, e.g., Abstract), Ayanoglu does not teach, nor suggest, digital voice packets that

include destination information used for routing the digital voice packets such as through a network.

At least for the above stated reasons, the Applicants respectfully submit that Ayanoglu is different from and fails to anticipate the Applicants' invention as set forth in amended claims 22, 28, 29, 36, 43, 47, and 51. The Applicants believe that these claims, and the claims that depend therefrom, are allowable over Ayanoglu. Therefore, the Applicants respectfully request that the rejection of claims 22-24, 28-32, 36-39, and 43-50 under 35 U.S.C. §102(e), be withdrawn.

With respect to the remaining claim rejections, the Applicants respectfully submit that the proposed combination of Ayanoglu and any of Bruckert, Cripps, Scholefield, and/or Mahany, does not render any claims of the present application unpatentable at least for the reasons discussed above. Therefore, the Applicants respectfully request reconsideration of the rejection of these claims.

Applicant has added new claims 55-59, which depend either directly or indirectly from amended claim 47. The Applicants respectfully submit that claims 22-59 of the present application are in condition for allowance at least for the reasons discussed above and request reconsideration of the claim rejections.

If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the Applicants.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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